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SEC

SERVICE DATE – JANUARY 14, 2004

SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 34424

CANADIAN NATIONAL RAILWAY COMPANY
AND GRAND TRUNK CORPORATION

– CONTROL –

DULUTH, MISSABE AND IRON RANGE RAILWAY COMPANY,
BESSEMER AND LAKE ERIE RAILROAD COMPANY,
AND THE PITTSBURGH & CONNEAUT DOCK COMPANY

Decision No. 3

Decided: January 13, 2004

NOTICE TO THE PARTIES:

The attached service list has been compiled from the notices of intent to participate submitted in accordance with the procedural schedule set forth in this proceeding in Decision No. 2, served December 1, 2003, and published December 5, 2003, in the Federal Register at 68 FR 68130-37.

Each person actively participating as a Party of Record in this proceeding must, within **7 days** of the service date of this Notice, serve a copy of all filings submitted so far in this proceeding on each Party of Record (designated on the attached service list as “Party of Record”) to the extent such filings have not previously been served upon such other parties. Each Party of Record also will be required to file with the Secretary of the Board, within **7 days** of the service date of this Notice, an original plus 10 copies of a certificate of service, along with an electronic copy, indicating that the service required by the preceding sentence has been accomplished.

Every filing made by a Party of Record after the service date of this Notice must have its own certificate of service indicating that all Parties of Record on the service list have been served with a copy of the filing. As stated in Decision No. 2, Members of the United States Congress and Governors are not Parties of Record and, therefore, need not be served with copies of filings, unless any such Member or Governor has requested to be, and is designated, as a Party of Record. At the present time, however, there are no “Governor” designations on the service list.

The Board will continue to follow the practice regarding service of Board actions established in Union Pacific Corporation, Union Pacific Railroad Company, and Missouri Pacific Railroad Company — Control and Merger — Southern Pacific Rail Corporation, Southern Pacific Transportation

Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company, Finance Docket No. 32760 (UP/SP). See UP/SP, Decision No. 15 (STB served Feb. 16, 1996), at 2-3. Copies of decisions, orders, and notices will be served only on those persons who are designated as Party of Record, Non-Party, Member of Congress, or Governor on the official service list. All other interested persons are encouraged to make advance arrangements with the Board's copy contractor, ASAP Document Solutions, to receive copies of Board decisions, orders, and notices served in this proceeding.¹ ASAP Document Solutions will handle the collection of charges and the mailing and/or faxing of decisions, orders, and notices to persons who request this service. The telephone number for ASAP Document Solutions is: (202) 293-7779.²

All persons named on the attached service list should review the list and determine whether information about their address and status (as a Party of Record or Non-Party), is correct. The list reflects the Board's policy of allowing only one official representative per party to be placed on the service list, as specified in Press Release No. 97-68 dated August 18, 1997, announcing the implementation of the Board's "One Party-One Representative" policy for service lists. In this proceeding, if a request was made in the notice of intent to participate to have more than one name added to the service list as a Party of Record representing a particular entity, the extra name was added to the service list as a "Non-Party." Any person designated as a Non-Party will receive copies of Board decisions, orders, and notices but not copies of official filings. Persons seeking to change their status must accompany that request with a written certification that he or she has complied with the service requirements set forth at 49 CFR 1180.4, and any other requirements set forth in Decision No. 2 and this decision.

¹ In addition to the service provided by ASAP Document Solutions, interested persons may obtain copies of Board decisions, orders, and notices from our website at "www.stb.dot.gov."

² An interested person does not need to be on the service list to obtain a copy of the primary application or any other filing made in this proceeding. The Board's Railroad Consolidation Procedures provide: "Any document filed with the Board (including applications, pleadings, etc.) shall be promptly furnished to interested persons on request, unless subject to a protective order." See 49 CFR 1180.4(a)(3). The primary application and other filings in this proceeding will also be available on the Board's website at "www.stb.dot.gov" under "Filings." Furthermore, ASAP Document Solutions will provide, for a charge, copies of the primary application or any other filing made in this proceeding, except to the extent any such filing is subject to the protective order previously entered in this proceeding.

Requests to change or correct service list information, or to be deleted from the service list, must be filed **in writing** with the Board by **January 21, 2004**. An original plus 25 copies of such requests, along with an electronic copy, should be directed to:

Surface Transportation Board
Re: STB Finance Docket No. 34424
1925 K Street, N.W.
Washington, DC 20423-0001

Late-filed notice of intent to participate. On December 23, 2003, the Board received a notice of intent to participate and motion for leave to file notice *instanter* (BMWE-1) filed by Donald F. Griffin, Director of Strategic Coordination and Research of the Brotherhood of Maintenance of Way Employees. Mr. Griffin explained that his failure to file the notice in a timely manner was an oversight on his part due to pressing business matters, which included engaging in collective bargaining with the Applicants concerning this proceeding. Because Mr. Griffin certified that he sent copies of his filing to the appropriate parties designated in Decision No. 2, and indicated that the filing is procedural and raises no substantive issues, the Board accepts Mr. Griffin's late-filed notice of intent to participate and motion for leave to file notice *instanter*. Accordingly, Mr. Griffin's name will be added to the service list as a Party of Record representing the Brotherhood of Maintenance of Way Employees.

Vernon A. Williams
Secretary

SERVICE LIST

PARTY OF RECORD

JOHN ASHCROFT
ATTORNEY GENERAL OF UNITED STATES,
C/O ASST. ATTORNEY GENERAL
ANTITRUST DIVISION, ROOM 3645
U.S. DEPARTMENT OF JUSTICE
WASHINGTON DC 20530 US

PARTY OF RECORD

ANDREW B KOLESAR III
SLOVER & LOFTUS
1224 17TH STREET, N.W.
WASHINGTON DC 20036-3003 US

Represents: AK STEEL CORPORATION

PARTY OF RECORD

PAUL A CUNNINGHAM
HARKINS CUNNINGHAM LLP
801 PENNSYLVANIA AVENUE, N.W., SUITE 600
WASHINGTON DC 20004-2664 US

Represents: CANADIAN NATIONAL RAILWAY
COMPANY
GRAND TRUNK CORPORATION

PARTY OF RECORD

JOHN H LESEUR
SLOVER & LOFTUS
1224 17TH STREET, N.W.
WASHINGTON DC 20036-3003 US

Represents: CLEVELAND-CLIFFS INC

PARTY OF RECORD

DANIEL R ELLIOTT III
UNITED TRANSPORTATION UNION
14600 DETROIT AVENUE
CLEVELAND OH 44107-4250 US

Represents: UNITED TRANSPORTATION UNION

PARTY OF RECORD

GORDON P MACDOUGALL
1025 CONNECTICUT AVENUE, N.W., SUITE 410
WASHINGTON DC 20036 US

Represents: JOHN D FITZGERALD (UTU/GO-386)

PARTY OF RECORD

DONALD F. GRIFFIN
BROTHERHOOD OF MAINTENANCE OF WAY
EMPLOYES
10 G STREET, N.E., SUITE 460
WASHINGTON DC 20002 US

Represents: BROTHERHOOD OF MAINTENANCE OF
WAY EMPLOYES

PARTY OF RECORD

ROBERT L. MCGEORGE
U.S. DEPARTMENT OF JUSTICE
ANTITRUST DIVISION
325 7TH ST, N.W., 5TH FLOOR
WASHINGTON DC 20530 US

Represents: U.S. DEPARTMENT OF JUSTICE

PARTY OF RECORD

PAUL R HITCHCOCK
CSX TRANSPORTATION INC
500 WATER STREET, J-150
JACKSONVILLE FL 32202 US

Represents: CSX TRANSPORTATION, INC.

PARTY OF RECORD

NORMAN Y MINETA, SECRETARY
U.S. DEPARTMENT OF TRANSPORTATION
400 SEVENTH STREET, S.W.
WASHINGTON DC 20590 US

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PARTY OF RECORD

JEFFREY O MORENO
THOMPSON HINE LLP
1920 N STREET, N.W., SUITE 800
WASHINGTON, DC 20036 DC 20036-1600 US

Represents: ISPAT INLAND INC

PARTY OF RECORD

RICHARD J. MUNSCH
UNITED STATES STEEL CORPORATION
600 GRANT STREET, ROOM 1500
PITTSBURGH PA 15219-2800 US

Represents: UNITED STATES STEEL CORPORATION

PARTY OF RECORD

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1224 SEVENTEENTH STREET, N.W.
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Represents: MINNESOTA POWER INC

PARTY OF RECORD

JOSEPH R POMPONIO
FEDERAL RAILROAD ADMINISTRATION
400 SEVENTH STREET, S.W., RCC-20
WASHINGTON DC 20590 US

Represents: FEDERAL RAILROAD ADMINISTRATION

PARTY OF RECORD

HAROLD A ROSS
GEN. COUNSEL, BROTHERHOOD OF LOCOMOTIVE
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1370 ONTARIO STREET, SUITE 1548
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Represents: BROTHERHOOD OF LOCOMOTIVE
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CSX CORPORATION
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WASHINGTON DC 20004 US

Represents: CSX CORPORATION

PARTY OF RECORD

ANNE D SMITH
WHITE & CASE LLP
601 13TH STREET, N.W.
WASHINGTON DC 20005 US

Represents: GREAT LAKES TRANSPORTATION LLC

PARTY OF RECORD

PAUL SAMUEL SMITH
U.S. DEPARTMENT OF TRANSPORTATION
400 SEVENTH STREET, S.W., ROOM 4102 C-30
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Represents: U.S. DEPARTMENT OF
TRANSPORTATION

PARTY OF RECORD

ADRIAN L STEEL JR
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1909 K STREET, N.W.
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Represents: BURLINGTON NORTHERN AND SANTA
FE RAILWAY COMPANY

PARTY OF RECORD

CHRISTOPHER TULLY
TRANSPORTATION COMMUNICATIONS
INTERNATIONAL UNION
3 RESEARCH PLACE
ROCKVILLE MD 20850-3279 US

Represents: TRANSPORTATION COMMUNICATIONS
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PARTY OF RECORD

ALLAN J VOGEL
MINNESOTA DOT
OFFICE OF FREIGHT & COMMERCIAL VEHICLE
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MENDOTA HEIGHTS MN 55120-4152 US

Represents: MINNESOTA DEPARTMENT OF
TRANSPORTATION

PARTY OF RECORD

WILLIAM W WHITEHURST JR
W.W. WHITEHURST & ASSOCIATES, INC.
12421 HAPPY HOLLOW ROAD
COCKEYSVILLE MD 21030-1711 US

Represents: W W WHITEHURST & ASSOCIATES INC

PARTY OF RECORD

MICHAEL S WOLLY
ZWERDLING PAUL LEIBIG KAHN & WOLLY
1025 CONNECTICUT AVENUE, N.W., SUITE 712
WASHINGTON DC 20036 US

Represents: AMERICAN TRAIN DISPATCHERS
DEPARTMENT OF THE INTERNATIONAL
BROTHERHOOD OF LOCOMOTIVE ENGINEERS
INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE WORKERS
INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS
NATIONAL CONFERENCE OF FIREMEN &
OILERS - SEIU

PARTY OF RECORD

SCOTT M ZIMMERMAN
ZUCKERT SCOUTT & RASENBERGER LLP
888 SEVENTEENTH STREET, N.W., SUITE 700
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Represents: NORFOLK SOUTHERN CORPORATION
NORFOLK SOUTHERN RAILWAY COMPANY

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MEMBER OF CONGRESS
HONORABLE HERB KOHL
UNITED STATES SENATE
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NON-PARTY
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